

REMARKS

Claims 13-19 are currently pending in the present application.

§ 112, Second Paragraph Rejection: Claims 13-19 and 16-17 stand rejected under § 112, second paragraph as indefinite due to the use of the phrase “a plurality of at least one” in claim 13. The Applicants are respectfully requesting entry of an amendment to claim 13 to refer to a plurality of units, consistent with the existing reference in line 3 of claim 13 to a plurality of units. Thus, claim 13 would recite “a plurality of units of at least one of portable heating units and portable cooling units.” Entry of the amendment and withdrawal of the § 112, second paragraph is respectfully requested.

§ 103(a) Rejection of Claims 13 and 15-19: Claims 13 and 15-19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2003/015158632 (“Nierlich”) in view of U.S. Patent No. 4,902,322 to Grinblat (“Grinblat”) and U.S. Patent No. 5,351,712 to Houlihan (“Houlihan”).

Claims 13-18: In order to place the pending Application into condition for allowance without further examination, the Applicants are requesting amendment to independent claim 13 to incorporate the limitations of allowable claim 14 (upon entry of the requested amendment to resolve the § 112, second paragraph issue, no further rejection would be pending as to claim 14). Claim 14 would be canceled accordingly, without prejudice to the subject matter contained therein.

Entry of the requested amendments and allowance of claims 13 and 15-18 is respectfully requested.

Claim 19: Finally, entry of the above requested amendment to claim 19 is respectfully requested to place the claim into independent form, and to more specifically recite the details of the self-contained portable heating/cooling units. As rewritten, Claim 19, which previously depended from claim 13, would include the limitations of previous claim 13, and include further limitations which patentably distinguish the claim over the cited references.

As amended, claim 19 would recite a heating and cooling supply business system wherein an administrator monitors the variation in the amount of heating and/or cooling provided by a plurality of *evaporative condenser-equipped*, self-contained, portable heating/cooling units, and wherein a determination of whether to change the number and/or capacity of the units is based on the monitored variation in the amount of heating or cooling used by a user.

The cited references fail to suggest the present invention's business system. None of the references teaches or suggests the present invention's use of "self-contained" portable heating/cooling units "equipped with an evaporative condenser" in a business system in which variations in power use are monitored via the Internet to determine whether the unit distribution should be adjusted. The present invention's use of such evaporative condenser-equipped (*i.e.*, self-contained) units provides ease in handling and installing/removing the portable units, particularly as such units eliminate the need to modify or alter a user's existing equipment or facilities. Thus, for example, while the Houlihan reference is cited as teaching use of portable devices, review of this reference reveals that all that is suggested in Houlihan is that a portable system can be installed to

alter the flow path and delivery of hot water at a faucet; there is no suggestion of use of *self-contained heating or cooling* units, or that these environmental control units are evaporative condenser-equipped. Similarly, Grinblat discusses the installation of additional air conditioning units to meet local tenant demands for additional cooling, but fails to suggest the installation of *self-contained portable evaporation-type condenser units*. Accordingly, as amended, claim 19 would be patentable under § 103(a) over the Nierlich, Grinblat and Houlihan references.

CONCLUSION

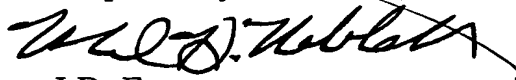
The Applicants respectfully request entry of the foregoing amendments, and issuance of a Notice of Allowance for claim 13 and 15-19.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #199.49908).

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Respectfully submitted,



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